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89 (new). The method of claim 85, further comprising providing data relating to other complaints to the complainer prior to preparing the complaint. --

REMARKS

The Examiner is thanked for the courtesy of a telephone interview on September 19, 2002.

This Amendment responds to the Office Action mailed June 12, 2002. Claims 46-63 and 82-89 are pending. Claims 64-81 are cancelled. New claims 85-89 are added. Claims 46-63 were rejected. Claims 82-84 were allowed.

Claim 46

Claim 46 has been amended to recite that the complaint forwarded to the complainee includes information identifying the complainer. As the Examiner observed, in Sloo's system, the complainee cannot determine the identity of the complainer. In fact, Sloo teaches that the complainers remain anonymous to the complainees (column 6, lines 43-45). Since Sloo teaches away from claim 46, claim 46 is not made obvious by Sloo.

Claim 46 has also been amended to address the Examiner's concern that the step of "providing data previously received from a complainee to the complainer" is not tied in to the rest of the claim. Claim 46 calls for the complaint to be prepared based on information received from the complainer, including any additional information responsive to the data previously received from the complainee.

Basis for the amendments is at the bottom of page 7, indicating that identifying information is collected, and is implicit in the disclosure at page 8, such as the specific remedy sought, which requires identification of the complainer to the complainee.

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Claims 47-54, in depending from claim 46, incorporate all of its features, and so are each patentably distinguished from Sloo for the reasons discussed above. None of the other references cited by the Examiner against claims 47-54 can properly be combined with Sloo to cure the deficiencies of Sloo. Withdrawal of the rejections of claims 47-54 is requested.

Claim 55

Claim 55 calls for automatically receiving information from a complainer relating to an emotional state of the complainer, and automatically preparing a complaint including emotional state information based on the information received from the complainer.

In paragraph 4 of the Office Action, the Examiner recognized that Sloo does not teach including the emotional state of the complainer but does teach monitoring participant behavior. The Examiner cited the Online Resolution news article as suggesting that emotions are a big part of the mediation process. The Examiner then asserted that it would be obvious to modify Sloo to collect emotional information.

Applicant earnestly traverses the Examiner's rejection.

First, Sloo nowhere suggests automatically preparing a complaint including emotional state information. Rather, Sloo states at column 11, lines 6-18,

For example, the program may monitor registered complaints and other gathered information as described above ... By monitoring participant behavior in given situations and outcomes (complaint activity on measurable satisfaction levels) over time, the program/apparatus may recommend/predict policy/law that will most likely result in a positive effect on society.

None of the "gathered information as described above" includes emotional state information. At most, Sloo suggests using the number of complaints as a satisfaction measure, which is quite different from collecting emotional state information from each complainer, as claimed.

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Second, the Online Resolution reference fails to suggest automatically preparing a complaint including emotional state information. Rather, John Helie states that "the face-to-face in most cases is overrated and not necessary" and continues that "the face-to-face gets in the way" particularly for people who are uncomfortable with the way they look." Being uncomfortable is an emotional state, and Helie plainly explains that the online environment shields people from this discomfort. Thus, Helie implies that eliminating emotional considerations is a benefit of an online environment, as opposed to an in-person environment.

Then, the Online Resolution reference goes on to quote Colin Rule as saying, "Emotions are a big part of the mediation process."

In view of Helie's comments, the reasonable interpretation of Rule's comment is that online dispute resolution helps eliminate emotions from the resolution process, thereby simplifying the process.

The claimed invention goes directly against the teaching of the Online Resolution reference by deliberately including emotional state information in the complaint.

Third, there is no motivation in the prior art to combine Sloo and Online Resolution as suggested by the Examiner. Each of Sloo and Online Resolution fails to show or suggest automatically receiving information from a complainer relating to an emotional state of the complainer, and automatically preparing a complaint including emotional state information based on the information received from the complainer, as specifically required by claim 55. Accordingly, there is no proper combination of these references that results in the claimed invention.

Claims 56-63, in depending from claim 55, incorporate all of its features, and so are each patentably distinguished from Sloo and Online Resolution for the reasons discussed above.

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None of the other references cited by the Examiner against claims 56-63 can properly be combined with Sloo and Online Resolution to cure their deficiencies. Withdrawal of the rejections of claims 55-63 is requested.

In the Examiner's interview summary, mailed September 27, 2002, the Examiner raised for the first time, a concern that the emotional state limitation of claim 55 is "non-functional descriptive matter". In response thereto, Applicant observes that a circuit which accepted a signal at an input node, and combined the signal with other signals then delivered the combined signal to an output node would not be rejected for "non-functional descriptive matter". The Federal Circuit has observed that a general purpose computer operating in accordance with a software program becomes a specific digital circuit. *Arrhythmia Research Technology v. Corazonix Corp.*, 958 F.2d 1053 (Fed.Cir. 1992). Similarly, receiving emotional state information, preparing a complaint including emotional state information and other information supplied by a complainer, and forwarding the complaint, as approved, to a complaine, as recited in claim 55, should not be rejected as presenting "non-functional descriptive matter" in the emotional state information. Claim 55 is directed to manipulating data representing physical activities (emotional states) to achieve a practical application (a complaint having appropriate information).

Claim 85

Claim 85 recites a method of processing a complaint, comprising automatically receiving information from a complainer including information relating to a problem experienced by the complainer and information identifying the complainer, automatically suggesting a remedy to the complainer, automatically receiving a response to the suggested remedy, automatically preparing the complaint based on the information and the response received from the complainer,

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automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint, and automatically forwarding the approved complaint to the complainee.

Basis for claim 85 is at the top of page 10 of the specification as originally filed, which explains that the system suggests remedies in addition to those indicated by the complainer.

U.S. Patent No. 5,895,450 (Sloo) fails to show or suggest claim 85 because Sloo's disclosure is limited to receiving a requested resolution from the complainer (column 4, line 64 – column 5, line 2; column 7, line 66 – column 8, line 2). Since Sloo is concerned with forwarding complaints to complainees, Sloo is unconcerned with configuring its system to suggest remedies on behalf of complainees.

Claims 86-89 depend from claim 85.

Early and favorable consideration of this application is earnestly solicited. The Examiner is invited to call the undersigned should there be any questions or issues.

Respectfully submitted,

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